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Welfare of Minorities and Backward Classes :

1. Pre Examination Coaching for Weaker Section based on economic criteria	15.09
2. National Minorities Development and Finance Corporation	1017.45
3. Multi Sectoral Development Plans	1.00

Welfare of Handicapped

1. Scheme of Assistance to Disabled Persons for Purchase/fitting of Aids and appliances	29.50
2. Scheme of Assistance to Organisations for the Disabled persons	56.71
3. Scheme of assistance to voluntary organisations for establishment and development of special schools	2.03

[Translation]

Bhuria Committee for Tribals

3614. DR. RAMESH CHAND TOMAR :
SHRI RADHA MOHAN SINGH :
SHRI DEVI BUX SINGH :

Will the Minister of WELFARE be pleased to state:

(a) whether the Government have constituted Bhuria Committee regarding the self-governance for the tribals;

(b) if so, the date on which the said committee was set up alongwith the details of the recommendations of the committee;

(c) whether the Government propose to implement recommendations of the said committee;

(d) if so, the details thereof alongwith the time by which recommendations would be implemented; and

(e) if not, the reasons therefor?

THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA) : (a) and (b). Yes, Sir. A High Level Committee under the Chairmanship of Shri Dileep Singh Bhuria, M.P. was constituted to make recommendations on the salient features of the law for extending the provisions of the Constitution (3rd Amendment) Act, 1992 to the scheduled Areas on 10th June, 1994, which had submitted its report in February, 1995. A copy of the summary of the recommendations of the Committee is attached as Statement.

(c) to (e). A Bill based on the recommendations of the Bhuria Committee and the views of the State Governments, namely the Provisions of the Panchayats

(Extension to the Scheduled Areas) Bill, 1996 has already been passed by the Rajya Sabha on 12.12.1996. The Bill is pending consideration of the Lok Sabha.

STATEMENT

Summary of recommendations of the Committee of Members of Parliament and Experts constituted to make recommendations on law concerning extension of provisions of the Constitution (Seventy-Third Amendment) Act, 1992 to Scheduled Areas.

- (i) Broadly the provisions of Part IX of the Constitution should be incorporated in the law to be passed by Parliament for Scheduled Areas but at the same time certain unique Characteristics of tribal societies and tribal areas need to be kept in view. In particular their customary laws, indigenous institutions, traditional practices, community ethos, their mode of living, organisation, cultural mores etc. and their present-day predicament of exploitation, deprivation, marginalisation etc.
- (ii) An important facet that has to be kept in mind is that the tribal communities should be empowered to prevent their exploitation by strengthening their structure politically, legally, administratively, and financially to deal with emerging problems among tribal people like land alienation, displacement, deforestation, ecological degradation, displace, growing indebtedness, excise policy, etc.
- (iii) Part IX of the Constitution envisages Panchayats at the villages, intermediate and district levels with a Gram Sabha at the base. The Committee has also recommended a three-tier structure with a Gram Sabha. However, in a significant departure from the Panchayat structure, the that emerged in the deliberations of the Committee and which it has recommended in its Report is that even for the Central Indian Tribal heartland which comprises the scheduled Areas the overall design for the VIth Schedule should be adopted while at the same time harmonising it with the provision of Part IX of the Constitution within the broad frame-work of the V Schedule. The model of the VIth Schedule has been taken as a broad charter of autonomy for devising instrument of self-determination whereas the overall frame work of the Vth Schedule has been sought for framing regulations or for any other legislation as may be necessary. The Committee has recommended the Autonomous District Council contained in the VIth Schedule at the district level to satisfy the ethnic aspirations and the self-management concept to be adopted in the Central Indian tribal areas. The VIth Schedule confers powers of legislation

and administration of justice on the district councils apart from the executive, developmental and financial responsibilities. The Committee recommends that this format should be adopted for districts in Vth Schedule areas but expanded to include subjects that are indicated in the 11th Schedule of the Constitution for Panchayats.

- (iv) At these three levels of representative democracy, part IX of the Constitution provides for the States to devolve power and authority on the Panchayats at different levels. Whereas the report of the Committee is definitive in respect of the powers and functions to be devolved upon Panchayats, particularly those dealing with problems facing the tribal communities like land alienation, displacement, management of natural resources, Nishtar rights in forests, dispensation of justice, control over distillation and sale of liquor etc.
- (v) Another significant recommendation of the Committee is in the Gram Sabha. Most tribal societies in India are characterised by an equalitarian spirit. Cognizance has to be taken of their unique traditional organisational set up and ethos while considering democratic decentralisation in tribal areas. Rought and hilly topography, sparsely populated scattered villages which could better be described as hamlets characterise tribal areas. A Gram Sabha should represent such an entity. The Committee strongly feels that the traditional role of the Gram Sabha in tribal communities as vibrant, living organisations must be recognised. The Committee has been emphatic in its recommendation that a Gram Sabha should be an entity which is live and functioning.
- (vi) ?? keeping with its strong recommendations that direct participative democracy should be given pre-eminence in the Panchayat Raj structure the Committee has made detailed suggestion for the responsibilities and powers and functions to be given to Gram Sabhas. The Constitution (73rd Amendment) Act, leave it to the States to endow the Gram Sabha's with powers and functions. They do not flow automatically from the Constitution. The Committee's recommendations with respect to the powers functions and authority to be given to Gram Sabhas is in this respect significant.
- (vii) It is the view of the Committee that Gram Sabhas in the Scheduled Area should be allowed to exercise their traditional roles unhindered, specifically different functions as traditionally prescribed including management of natural resources. The Report emphasises that it has to be ensured that access to natural

resources in tribal areas should remain with the tribal people and that they are suitably empowered to utilise them.

- (viii) Further, a Gram Sabha may have a traditional village councils which performs various functions, religious, political, economic, judicial etc. These should be allowed to function and their role harmonised with the modern set up. Should such a body not exist, the constituent Gram Sabha may create executive village council to undertake execution of development works and other functions.
- (ix) Some other important recommendations of the Committee are majority Scheduled Tribe representation in different heirs of Panchayats and that posts of both Chairman and Vice-Chairman, should belong to Scheduled Tribes. Further, only MPs may be associated with Panchayats at the intermediate and district levels.
- (x) Setting apart of seats, not exceeding five in number for nomination in the district council for minority tribal communities who cannot find place through the election process.
- (xi) Authority for dissolution of a Panchayat should be the Governor.
- (xii) To prevent diversion and misutilisation of funds, all tribal sub-Plan funds, whether relating to State Plan or Special Central Assistance or any other should be quantified and placed in the "charged" category in the respective Government's budget. Further, these funds should be placed of the disposal of the ADCs and Panchayats and procedures should be devised for direct allotment of funds to the ADCs.

There are some other recommendations relating overall to Vth Schedule areas like making the Tribal Advisory Council into an effective and functioning organisation, revival of the Central Advisory Council, appointment of a Commission by the Governor to examine and report on all matters relating to the administration of ADCs, reorganisation of administrative boundaries based on ethnic and demographic considerations and fresh examination of Scheduled Areas to include those tribal areas that have been left out.

Dacoity Eradication Programme

3615. SHRIMATI KAMAL RANI : Will the Minister of HOME AFFAIRS be pleased to state :

- (a) the total amount allocated by the Central Government for the Dacoity Eradication Programme in Uttar Pradesh;